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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,439	09/05/2003	Diana K. Smetters	D/A3162	8476

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EXAMINER

LEMMA, SAMSON B

ART UNIT PAPER NUMBER

2132

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,439

Applicant(s)

SMETTERS ET AL.

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1-4</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. **Claims 1-27** have been examined.

Priority

2. This application claims priority of a provisional application 60/480,909 filed on June 24, 2006.
3. Therefore, the effective filing data for the subject matter defined in the pending claims of this application is **06/24/2003**.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **claims 1-9** are rejected under 35 U.S.C. 101 because the subject matter is directed to non-statutory subject matter.

6. **Claims 1-9** are directed to a computer controlled method which could be a **program/software/set of instructions**. The examiner asserts that the limitation of the above claims raise a question as to whether or not the, the limitation actually claims the program or not. The above claims would have established a statutory category of the invention if the program recited in the above claims were stored on an appropriate medium and perform the function recited on the body of the claims when the program is read and executed by the computer/processor. However the above claims are simply computer controlled method which could be programs and thus do not clearly establish a statutory category of the invention. Therefore the claim is a **program per se** and does not fall within the statutory classes listed in 35 USC 101. The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that

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is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. See MPEP § 2106 IV. B. 1(a).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-27** are rejected under 35 U.S.C. 102(b) as being anticipated by **Hermann, Reto** (hereinafter refereed as **Hermann**) (European Patent Publication No. EP1024626A1) (Publication Date 08/02/2000) (Submitted with the Applicant's IDS)
9. **As per independent claims 1, 10 and 19** Hermann discloses a computer controlled method comprising:

- **Establishing communication between a situation notification device** [see , paragraph 0020, "second device/servicing device"] **and a provisioning device** [see , paragraph 0020, "first device"] **over a preferred channel** [See, paragraph 0020, "communication link"];[paragraph 0020, lines 15-21]
- **Providing provisioning information to said situation notification device over said preferred channel,[Paragraph 0020, lines 22-24] whereby said situation notification device is automatically configured to receive subject matter information responsive to said provisioning information;** [Paragraph 0020, lines 24-26]

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- **Receiving said subject matter information;** [Paragraph 0021, lines 32-40]
- **Verifying said subject matter information with said provisioning information;** [Paragraph 0021, lines 40-44] **and**
- **Presenting said subject matter information responsive to the step of verifying.** [Paragraph 0021, lines 44-49]

10. **As per claims 2, 11 and 20 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein the step of providing further comprises:**

exchanging key commitment information over said preferred channel between said provisioning device and said situation notification device; [paragraph 0020]

receiving a public key by said situation notification device; [paragraph 0021, line 39] **verifying said public key with said key commitment information** [Paragraph 0021, lines 41-42] [the serving device, inherently verifies the password or the public key sent by the personal device before responding to the personal device. After verification, the service device sends back a communication parameters for further communication to the personal device]; **and receiving a credential authorized by a credential issuing authority.** [paragraph 0022]

11. **As per claims 3, 12 and 21 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein said preferred channel is a location-limited channel.** [paragraph 0020, lines 20-21]

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12. As per claims 4, 13 and 22 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein, wherein said preferred channel uses a telephone switching system.

[paragraph 0025-0026 and 0041-0042]

13. As per claims 5, 14 and 23 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein said preferred channel has a demonstrative identification property and an authenticity property. [paragraph 0027]

14. As per claims 6, 15 and 24 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein subject matter information is received using an antenna, a telephone line, a local area network, a wide area network, a wireless network, or a broadcast network. [paragraph 0041-0042]

15. As per claims 7, 16 and 25 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein said situation notification device is a computer, a television, a radio, a telephone, a push to talk device, a pager, a clock, a thermostat, a network appliance, or a home appliance. [paragraph 0039]

16. As per claims 8-9, 17-18 and 26-27 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, further comprising forwarding said subject matter information, wherein said subject matter information is alarm information. [Paragraph 0039, lines 44-46]

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

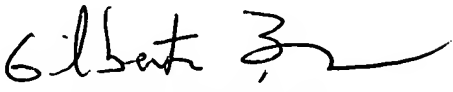
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.
09/15/2006


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